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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

CC Docket No. 92-105

N11 Codes and Other Abbreviated
Dialing Arrangements

IAD File No. 94-101

**REPLY COMMENTS OF THE
NATIONAL NEWSPAPER ASSOCIATION**

The National Newspaper Association (NNA) hereby submits reply comments in response to original comments that were submitted by various parties in response to the above referenced matter.

To reiterate our long-standing position on this matter, the NNA believes it is extremely important that the Commission consider the importance of assigning N11 codes to information service providers (such as community newspapers) and absolutely essential that it make N11 service available only on a local basis.

1. **Use of N11 Codes for Commercial Purposes (i.e. Information Service Providers) is in the Public Interest.**

The Iowa Utilities Board says that assignment of N11 codes to information service providers (ISPs) would not be in the public interest because more useful applications would be denied. According to Southwestern Bell Corporation (SBC), the root of this dilemma is that there is a supply and demand problem with N11 codes, which necessitates their use for public purposes only.

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ISPs can offer many applications of the N11 codes that may prove useful and beneficial to the public. NNA believes that at the local level, it would be difficult to find a more useful application of N11 codes than their assignment to local community newspapers. It is through the community newspapers that most citizens receive the information that best serves their daily lives. It is through the N11 codes, a resource that is available now as an integral part of the new information age, that a community newspaper can provide more local information to more people at a very modest cost. Thus, the public interest would be served if communities had N11 code access to their local community newspapers.

Clearly, as SBC contends, the N11 codes are a scarce resource. Yet, the supply and demand problem exists only on a nationwide basis. If the N11 codes are assigned on a local basis, the availability of this scarce resource will be greatly expanded. Nationwide or statewide assignment would limit N11 access to only four to six companies. If N11 codes are assigned locally, one could multiply those four to six numbers by the thousands of local calling areas in communities across the land, thus, eliminating the supply dilemma.

Another argument against the assignment of N11 codes to ISPs is that the "haves" (i.e. ISPs with N11 codes) would have an unfair competitive advantage over the "have-nots." NNA admits that there is merit to this argument, *if* the N11 codes are assigned on a nationwide or statewide basis. But, if N11 codes are assigned on a local level, this problem is greatly reduced, if not eliminated altogether.

Under a local assignment plan, fair competition will replace unfair competitive advantage. It is fair competition that makes a market economy run. Assignment of N11 codes at

the local level will increase consumer choice among information services. An increase in competition will reduce the net cost and financial risk of providing information services. Thus, there is further proof that assignment of N11 codes to ISPs at the local level is in the public interest.

II. The assignment of an N11 number on a local basis (rather than on a nationwide or statewide basis), would not only be less confusing, but it would also discourage monopolistic dissemination of news and information.

In their comments on the assignment of N11 codes, MCI suggests that the Commission issue guidelines in which national applications for N11 codes are given priority. It says that the national applicants should then be prioritized on a “first-come, first-served” basis.

If national applicants are given priority, NNA believes that the result would be a limited marketplace for the scope and type of information that could be offered through N11 service. In fact, the large, national ISPs would gain a monopoly over the dissemination of news and information to the public. One could easily assert that the public interest would not be served under this monopolistic system.

The NNA does not believe that the national applicants should then be prioritized on a “first-come, first-served” basis, as MCI suggests. This would turn what should be an objective system of selection into a game of luck. The public interest would not be well served if there are only four available N11 numbers and the most worthy candidate is the fifth to apply.

If government entities are given a nationwide or statewide assignment of N11 codes, as requested by the GSA and the NASTD, a more serious problem could arise. The government’s

exclusive control over this important means (i.e. N11 codes) of disseminating news and information would result in the local newspaper's total exclusion. Thus, the community newspaper, which has always provided an important check on the government's dissemination of news and information, would be unable to perform this important function.

Another argument against the use of N11 codes on a local basis is that it would create customer confusion. Bell Atlantic says that this confusion would lead to probable litigation. NNA is confident that customer confusion and thus, any resulting litigation, will not occur.

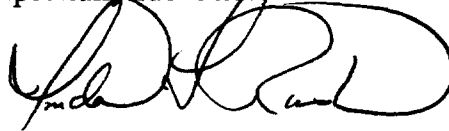
This argument that there will be confusion is based on the claims that customers can neither differentiate between two telephone numbers or two locations. Decades of telephone usage demonstrates that this argument is not well justified. In terms of proof, one can look at the citizens of Atlanta and West Palm Beach. The customers in these two cities, where commercial use of N11 numbers already exists, have yet to display any confusion. Plus, N11 codes, in contrast to 800 numbers, are very easy to remember because of the three digit limit.

IV. Conclusion

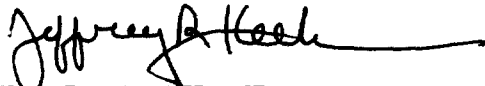
The National Newspaper Association endorses assignment of N11 codes for commercial use on strictly a local basis. The Commission should follow the examples set by the few states (i.e. Georgia and Florida) that have assigned N11 numbers on a local basis, and should set an example for the many other states waiting to follow.

The National Newspaper Association therefore urges the Commission to avoid the dangers of assigning N11 numbers on a nationwide or statewide basis by adopting rules that would make N11 service available to local information providers and local communities.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tonda F. Rush', written over the words 'Respectfully submitted,'.

TONDA F. RUSH
President & C.E.O.
Counsel of Record

A handwritten signature in black ink, appearing to read 'Jeffrey R. Keeler', written below the signature of Tonda F. Rush.

JEFFREY R. KEELER
Manager, Government Relations
Counsel

THE NATIONAL NEWSPAPER ASSOCIATION
1525 Wilson Boulevard, Suite 550
Arlington, VA 22209-2434